

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 139189 NAME: RONALD L. RICHMAN FIRM NAME: BULLIVANT HOUSER BAILEY PC STREET ADDRESS: 101 Montgomery Street, Suite 2600 CITY: San Francisco STATE: CA ZIP CODE: 94104-4146 TELEPHONE NO.: 415.352.2700 FAX NO.: 415.352.2701 EMAIL ADDRESS: ron.richman@bullivant.com ATTORNEY FOR (name): Plaintiffs <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	<b>FOR COURT USE ONLY</b>
<b>UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA</b> STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: 450 Golden Gate Avenue CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: SAN FRANCISCO DIVISION	
PLAINTIFF/PETITIONER: BOARD OF TRUSTEES OF THE CEMENT MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, et al. DEFENDANT/RESPONDENT: C. APARCIO, CEMENT CONTRACTOR, INC.	CASE NUMBER: 3:19-cv-02231-WHO
<b>WRIT OF</b> <input checked="" type="checkbox"/> <b>EXECUTION (Money Judgment)</b> <input type="checkbox"/> <b>POSSESSION OF</b> <input type="checkbox"/> <b>Personal Property</b> <input type="checkbox"/> <b>SALE</b> <input type="checkbox"/> <b>Real Property</b>	<input type="checkbox"/> <b>Limited Civil Case</b> (including Small Claims) <input type="checkbox"/> <b>Unlimited Civil Case</b> (including Family and Probate)

1. **To the Sheriff or Marshal of the County of:** SAN FRANCISCO

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. **To any registered process server:** You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name): SEE ATTACHMENT 3

is the ☒ original judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. **Judgment debtor** (name, type of legal entity if not a natural person, and last known address):

C. Aparicio, Cement Contractor, Inc.  
 7170 Forest Street  
 Gilroy, CA 95020

☐ Additional judgment debtors on next page

9. ☐ Writ of Possession/ writ of Sale information on next page.

10. ☐ This Writ is issued on a sister-state judgment.

**For items 11–17, see form MC-012 and form MC-013-INFO.**

11. Total judgment (as entered or renewed) \$ 1,538,427.07

12. Costs after judgment (CCP 685.090) \$

13. Subtotal (add 11 and 12) \$ 1,538,427.07

14. Credits to principal (after credit to interest) \$

15. Principal remaining due (subtract 14 from 13) \$ 1,538,427.07

16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$

17. Fee for issuance of writ (per GC 70626(a)(l)) \$

18. **Total amount due** (add 15, 16, and 17) \$ 1,538,427.07

19. **Levying officer:**

a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$

b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$

5. **Judgment entered** on (date): 08.13.20  
 (See type of judgment in item 22.)

6. ☐ Judgment renewed on (dates):

7. **Notice of sale** under this writ:

- a. ☒ has not been requested.  
 b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

20. ☐ The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.



Date: 10/28/20

Clerk, by Maria Loo, Deputy Clerk

**NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.**

Plaintiff/Petitioner: CEMENT MASONS OF NORTHERN CALIFORNIA  
 Defendant/Respondent: C. APARICIO, CEMENT CONTRACTOR, INC.

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21. ☐ Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):


22. The judgment is for (check one):

- a. ☐ wages owed.  
 b. ☐ child support or spousal support.  
 c. ☐ other.

23. ☐ Notice of sale has been requested by (name and address):


24. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

- |   |   |
|---|---|
| a. on (date):<br>b. name, type of legal entity if not a natural person, and last known address of joint debtor: | a. on (date):<br>b. name, type of legal entity if not a natural person, and last known address of joint debtor: |
|---|---|


c. ☐ Additional costs against certain joint debtors are itemized: ☐ below ☐ on Attachment 24c.

25. ☐ (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

- a. ☐ Possession of real property: The complaint was filed on (date):  
 (Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
- (1) ☐ The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) ☐ The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
- (3) ☐ The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
- (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
- (a) The daily rental value on the date the complaint was filed was \$
- (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page



Plaintiff/Petitioner: CEMENT MASONS OF NORTHERN CALIFORNIA  
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25. b. ☐ Possession of personal property.  
       ☐ If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. ☐ Sale of personal property.
- d. ☐ Sale of real property.
- e. The property is described ☐ below ☐ on Attachment 25e.

#### NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.



***BOARD OF TRUSTEES OF THE CEMENT MASONS HEALTH  
AND WELFARE TRUST FUNDS FOR NORTHERN  
CALIFORNIA; et al. v. C. APARICIO, CEMENT CONTRACTOR***  
U.S.D.C. (N.D. Cal.) No. 3:19-cv-02213-WHO

**ATTACHMENT 3 – WRIT OF EXECUTION**

**Judgment Creditors:**

Board of Trustees of the Cement Masons Health  
and Welfare Trust Fund for Northern California  
1600 Harbor Bay Parkway, Suite 200  
Alameda, CA 94502

Board of Trustees of the Cement Masons Pension  
Trust Fund for Northern California  
1600 Harbor Bay Parkway, Suite 200  
Alameda, CA 94502

Board of Trustees of the Cement Masons Vacation-Holiday  
Trust Fund for Northern California  
1600 Harbor Bay Parkway, Suite 200  
Alameda, CA 94502

Board of Trustees of the Cement Masons Training  
Trust Fund for Northern California  
1600 Harbor Bay Parkway, Suite 200  
Alameda, CA 94502